

### REMARKS

Favorable reconsideration of this application is respectfully requested.

Initially, applicants remind that filed in the present application on August 16, 2007, subsequent to issuance of the prior Office Action, was an Information Disclosure Statement (IDS). Applicants request confirmation of consideration of the references cited in that IDS by returning to applicants a Form PTO-1449 confirming consideration of the references in that IDS.

Claims 28-54 are pending in this application. Claims 28, 29, 31, 32, 34, 38, 39, 41, 42, 44, 46, 48, 49, and 51 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 7,215,634 to Van Woudenberg (herein "Van Woudenberg '634"). Claims 30, 33, 35-37, 40, 43, 47, 50, and 52-54 were rejected under 35 U.S.C. § 103(a) as unpatentable over Van Woudenberg '634 in view of U.S. patent 6,724,707 to Van Woudenberg et al. (herein "Van Woudenberg '707"). The above-noted rejections are traversed by the present response as discussed next.

Applicants respectfully submit the outstanding rejections are not fully considering the claimed features and are misconstruing the disclosures in at least Van Woudenberg '634 relative to the claimed features. Specifically, each of the claims recites that blocks of data have buffer areas of a *fixed length* before and after such blocks, which is not met by Van Woudenberg '634.

As shown for example in Figure 1 in the present specification, when writing a new block BLK relative to an existing preceding block BLK1, the buffer areas DRi and DRo precede the blocks BLK and BLK1, respectively. Similarly, for the block BLK2 buffer areas DRi and DRo precede and follow that block. As clear from Figure 1 the start point of the buffer area DRi before the block BLK is not fixed relative to the existing block BLK1, but can be varied. As also shown in Figure 1 the start point of buffer area DRi for block BLK is

shifted, and the amount of the shift can vary for the different blocks, as also shown in Figure 1 for the next block BLK2 as its preceding buffer DRi is shifted a less amount than the buffer DRi for the block BLK. Further, the buffers DRi and DRo have a ***fixed length***, as also shown in Figure 1.

Thereby, according to the claimed invention a start point of writing of a data pattern can be changed. Further, a length of a run-in buffer area is fixed. Such features are believed to clearly distinguish over the applied art.

Applicants respectfully submit the outstanding rejection is misunderstanding the disclosure in Van Woudenberg '634 as Van Woudenberg '634 does not disclose or suggest that blocks have buffer areas of a fixed length before and after the blocks.

With respect to the above-noted features the outstanding rejection indicates Van Woudenberg '634 discloses buffer areas PoA and G2 or PrA and G1.<sup>1</sup>

However, Van Woudenberg '634 does ***not*** disclose or suggest that the buffer areas G2 or G1 have a fixed length. In fact Van Woudenberg '634 appears to disclose just the opposite, namely that the length of the guard fields G1 and G2 can be ***changed so as to realize an appropriate overlapping***.

In further detail, Van Woudenberg '634 expressly states a method for writing data on a disk includes:

. . . c) a setting step for ***setting the lengths of said first and of said second guard field*** such that the end position of said second guard field of a preceding data block is located within the area of said first guard field of the succeeding data block.<sup>2</sup>

Van Woudenberg '634 further states:

Accordingly, by ***setting*** the length of the first and second guard fields such that the end position of the second guard field of a preceding data block is located within the area

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<sup>1</sup> Office Action of July 17, 2007, page 2, last full paragraph.

<sup>2</sup> Van Woudenberg '634 at column 4, lines 49-53 (emphasis added).

of the first guard field of the succeeding data block, the gap portion between neighboring data clusters or data blocks is prevented.<sup>3</sup>

Van Woudenberg '634 further states:

In particular, the *time for supplying the dummy data of the guard fields G1 and G2 to the scanning device 10 is increased in such a manner that the length of the guard fields G1 and G2 are increased* such that one guard field extends into the next or succeeding guard field, i.e., the guard field at the end of a block succeeds into the guard field at the start of the succeeding block.<sup>4</sup>

From the above-noted disclosures, applicants respectfully submit it is clear the device in Van Woudenberg '634 can *vary* the length of the guard portions G1 and G2 to ensure that they overlap. Van Woudenberg '634 achieves that result by changing the amount of time for supplying dummy data of the guard fields G1 and G2. Van Woudenberg '634 clearly indicates the lengths of such guard fields G1 and G2 should be set so that no gap exists therebetween.

Thereby, from the above-noted disclosures in Van Woudenberg '634 the noted buffer areas G1 and G2 which precede and follow blocks are *not of a fixed length*.

In contrast to Van Woudenberg '634, in the claims as written "buffer areas having a *fixed length* for random access are respectively disposed before and after respective blocks", (emphasis added) as specifically recited in independent claim 28, and as similarly recited in the other independent claims. Van Woudenberg '634 does not disclose or suggest such features.

In such ways, each of the claims as currently written is believed to clearly distinguish over Van Woudenberg '634.

Moreover, no teachings in Van Woudenberg '707 cure the above-noted deficiencies in Van Woudenberg '634. In that respect, and as discussed in prior responses, Van

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<sup>3</sup> Van Woudenberg '634 at column 4, lines 56-61 (emphasis added).

<sup>4</sup> Van Woudenberg '634 at column 9, lines 32-38 (emphasis added).

Woudenberg '707 also does not disclose or suggest the above-noted feature that "buffer areas having a fixed length or random access are respectively disposed before and after respective blocks".

In view of the foregoing comments, applicants submit the claims as currently written clearly distinguish over the applied art.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

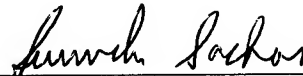
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